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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,655	07/05/2001	Kiyotaka Kodama	B422-164	7716
26272	7590	09/14/2004	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C.			RHODE JR, ROBERT E	
JOHN J TORRENTE			ART UNIT	PAPER NUMBER
1133 AVE OF THE AMERICAS			3625	
1133 AVE OF THE AMERICAS				
NEW YORK, NY 10017				

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/899,655	KODAMA ET AL. <i>58</i>
	Examiner	Art Unit
	Rob Rhode	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 09/899,655 on 7-5-2001. It is noted, however, that applicant has not filed a certified copy of the Japanese 210149/2000 application as required by 35 U.S.C. 119(b).

### ***Oath/Declaration***

The application lacks an oath. Applicant is required to furnish either a new oath or declaration in proper form, identifying the application by application number and filing date, or a certificate by the officer before whom the original oath was taken stating that the oath was executed within the jurisdiction of the officer before whom the oath was taken when the oath was administered. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 14 and 15 - 16, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an

abstract idea. There is no practical application in the technological arts. See *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974). For example in claim 14, the invention in the body of the claim does not recite the use of nor incorporate any technology in carrying out the recited method steps and therefore is not statutory. If the invention in the body of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See *Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) [Unpublished] and note MPEP 2106 IV 2(b). While *Bowman* is not precedential, it has been cited for its analysis.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being unpatentable over Yamada (US 6,336,100 B1).**

Regarding claim 1 and related claims 7, 9, 10, 12, 13, 14, 15, 17, 18 and 19, Yamada teaches an apparatus, system, computer readable medium and method for a network system in which a first, a second and a third network apparatuses are interconnected through a network, wherein: said first network apparatus comprises request designating means for designating request for

purchasing a new item or picking up a pick-up item to be recycled (see at least Abstract, Col. 1, lines 23 – 45 and Figures 1 and 2); place designating means for designating a place where said purchasing or picking-up is performed (see at least Col. 1, lines 39 – 45); and communication means for notifying the request information designated by said request designating means and the place designated by said place designating means to said second network apparatus through said network (see at least Col. 3, lines 1 – 5 and Figure 1);

... said second network apparatus comprises input means for inputting request information regarding the request for purchasing a new item or picking up an item and place information regarding a place where said purchasing or Picking-up is performed from said first network apparatus through said network (see at least Col. 3, lines 6 – 19); output means for outputting a purchasing date of a pick-up date to said first network apparatus through said network to inform a requester of the purchasing date or the pick-up date (see at least Col. 3, lines 44 – 48); and completion information acquiring means for acquiring information regarding completion of said pick-up from said third network apparatus through said network (Col. 3, lines 55 – 65);

... And said third network apparatus comprises notifying means for informing said second network apparatus of the information regarding the completion of said pick-up after said completion (see at least Col. 3, lines 32 – 54 and Figure 1).

Regarding claim 2, Yamada teaches a network apparatus, further comprising address inputting means for inputting an address of a requester, and wherein said place

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designating means displays one or plural proposed places in the vicinity of the address of the requester among which said place can be designated by the requester (Col. 2, lines 53 – 56 and Col. 3, lines 6 – 9).

Regarding claim 3 and related claim 4, Yamada teaches a network apparatus, further comprising E-mail address inputting means for inputting an E-mail address of a requester, and wherein said communication means notifies the E-mail address of the requester to the external place and receives information regarding a date of said purchasing or picking-up on the basis of the E-mail address of the requester (Col. 5, lines 14 – 20). Please note that Yamada does not specifically refer to email. However, Yamada does provide address information, place and date for the item to be delivered. It would have been obvious to one of ordinary skill in the art to extend Yamada with an email in order to E-mail address inputting means for inputting an E-mail address of a requester, and wherein said communication means notifies the E-mail address of the requester to the external place and receives information regarding a date of said purchasing or picking-up on the basis of the E-mail address of the requester.

Regarding claim 5, Yamada teaches a network apparatus, further comprising picked-up item information inputting means for inputting information regarding the item to be picked up when purchasing or picking-up, and wherein said communication means further notifies the picked-up item information to the external place (Col. 3, lines 14 – 48).

Regarding claim 6, Yamada teaches a network apparatus, further comprising newly purchased item information inputting means for inputting information regarding the item to be newly purchased when the request for purchasing the new item is designated by said request designating means, and wherein said communication means further notifies the newly purchased item information to the external place (Abstract, Col 3, lines 1 – 54).

Regarding claim 8, Yamada teaches a network apparatus, further comprising completion information acquiring means for acquiring information regarding completion of said pick-up through said network (Abstract and Figure 1).

Regarding claim 11, Yamada teaches a network system, wherein said second network apparatus further comprises completion information acquiring means for acquiring information regarding completion of said pick-up through said network (Col 3, lines 55 – 56 and Figure 1).

Regarding claim 16, Yamada teaches a communication method, further comprising a step of (c) acquiring information regarding completion of said pick-up through said network (Col 3, lines 55 – 60).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

***Alexandria, Va. 22313-1450***

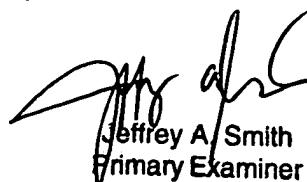
or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner